

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

04 AUG 11 AM 9:15

CLERK'S OFFICE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rio Brazos, Section 7

Subfile No.: CIRB-003-0002

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ALVIN EVERSGERD
BELVA EVERSGERD

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s) 01302

Priority: 1894

Source of Water: Surface water of the Chavez Creek, a tributary of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: CHAVEZ CREEK DITCH

Location: X= 1,563,986 feet Y= 2,090,009 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	3.2 acres
Total	3.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRB-003-0002

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

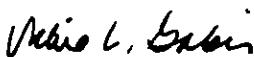
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

ACCEPTED:	<u>Belva Eversgerd</u> BELVA EVERSGERD	ACCEPTED:	<u>Alvin Eversgerd</u> ALVIN EVERSGERD
ADDRESS:	<u>HC 75 Box 161</u> <u>Chama NM 87520</u>	ADDRESS:	<u>HC 75 Box 1C1</u> <u>Chama NM</u> <u>87520</u>
DATE:	<u>7/18/04</u>	DATE:	<u>7-18-04</u>

ED NEWVILLE
EDWARD G. NEWVILLE
Special Assistant Attorney General

7-22-04
Date

003-0002
A 3.2 ac.

LEGEND

- [White Box] Irrigated Tract Boundary
- [Black Box] No Right Tract Boundary
- [Solid Black Area] Seeped Area
- [Arrowhead] Operable Ditch
- [Dashed Line] Inoperable Ditch
- [Line with dots] Stock Pond/Reservoir

- [Circle] Event of Diversion
- [Solid Circle] Well
- [Star] Spring
- [Circle with arrow] Fallow
- [Circle with dot] No Right



1 inch = 200 feet
0 50 100 200
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey
Rio Brazos Section

Subfile Number
CHRB 003-0002
Chavez Creek Ditch
Amended June 14, 2004

